



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DATE: February 28, 2005

GROUP ART UNIT: 1615

EXAMINER: Channavajjala, Lakshmi

ATTORNEY DOCKET NO.: C03187US (N1128.2C4)

\* \* \* \* \*

RESPONSE

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action dated September 30, 2004. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by December 30, 2004. Applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response for two months from December 30, 2004 to February 28, 2005. There are presently 8 claims pending in the case and all claims stand rejected. This response is being submitted in order to place the case in condition for allowance.

*JLLS processed*

AMENDMENT

Please amend the application as follows (additions are underlined and deletions are shown in strikeout):

03/04/2005 MEKONEN 00000049 10659075

01 FC:2252

225.00 0P

1

10659075  
JAN 22 2005  
U.S. PATENT & TRADEMARK OFFICE  
U.S. PATENT & TRADEMARK OFFICE  
100 E. 35TH ST.  
NEW YORK, NY 10016-3292

Appl. No. 10/659,075  
Response dated February 28, 2005  
Reply to Office Action of Sep. 30, 2004

**REMARKS**

This is a response to the Office Action dated September 30, 2004. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by December 30, 2004. Applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response for one month from December 30, 2004 to January 30, 2004. There are presently 8 claims pending in the case and all claims stand rejected. This response is being submitted in order to place the case in condition for allowance.

The Examiner rejected claims 1-8 under the doctrine of obviousness type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 5,968,534, claims 1-4 under 6,228,379 and claims 1-6 of U.S. Patent No. 6,419,939. Applicant is submitting herewith a Terminal Disclaimer in order to overcome the double patenting rejection.

Further, claims 1-8 are rejected under 35 U.S.C. §112. Applicant has reviewed the basis of the rejection under §112, and has made the necessary claim amendments in order to overcome these objections. Further, applicant has included new independent claim 10, which reflects a composition which the Examiner noted on page 5 of the Action that the prior art failed to teach. Therefore, applicant feels that this claim is allowable over the art as cited.

Therefore applicant requests that the case be re-examined and a Notice of Allowance be forthcoming.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

A \$420 check for government fees is enclosed (\$225 for a two month extension and \$195 for three terminal disclaimers).

Appl. No. 10/659,075  
Response dated February 28, 2005  
Reply to Office Action of Sep. 30, 2004

Respectfully submitted,

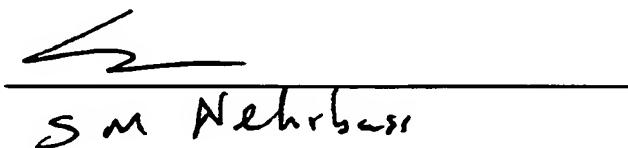


---

Gregory C. Smith, Reg. No. 29,441  
Charles C. Garvey, Jr., Reg. No. 27,889  
Seth M. Nehrbass, Reg. No. 31,281  
Stephen R. Doody, Reg. No. 29,062  
Brett A. North, Reg. No. 42,040  
**GARVEY, SMITH, NEHRBASS & DOODY, L.L.C.**  
**PTO Customer No. 22920**  
3838 N. Causeway Blvd., Suite 3290  
Metairie, LA 70002  
Tel.: (504) 835-2000  
Fax: 504-835-2070  
e-mail: [IPLNO@AOL.COM](mailto:IPLNO@AOL.COM)  
[www.neworleanspatents.com](http://www.neworleanspatents.com)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2005.



---

S M Nehrbass

P:\Greg\RESPONSES\NI128.2C4-RES.wpd